C" and C' are L or D-cysteine (Cys), α-aminobutyric acid (Abu), aspartic acid (Asp) or lysine (Lys);
<u>provided that where C' is Cys, C'' is also Cys and where C' or C'' are other than Cys, C'' is different from C' and is other than Cys;</u>
the connecting line between C" and C' signifies a bridge selected from the group consisting of carbon/carbon, carbon/sulfur, sulfur/sulfur and amide bridges; and the pharmaceutically acceptable acid addition salts thereof.

Cancel Claims 2, 4, 8, 16, 17.
Claim 20, line 2, delete "cancer".

<u>REMARKS</u>

Applicants have carefully considered the Examiner's position with regard to the disclosure of and claiming of cancer utility. Applicants are well aware of the requirement to substantiate cancer utility in humans before inserting a claim thereto and have therefore deleted a claim directed to cancer treatment from Claim 20.

Nevertheless, as will be seen from the specification, the specification is replete with good animal data which strongly indicates utility in cancer treatment. The Examiner will be well aware that the time required to obtain permission for human testing, let alone the time required to accumulate acceptable human data in this area, is a time far longer than would be taken up in normal patent prosecution, particularly under the present accelerated procedures. Applicants, while they agree that it is improper to mislead the reading public as to the utility of a compound, nevertheless, consider that it is equally misleading to exclude data from a specification which, upon its face, would teach others to follow in a path indicated by Applicants, which is of course one of the purposes of the disclosure requirement of the patent system.

In view thereof, Applicants have modified the statements in the specification from a positive recitation of utility in cancer treatment to a conditional statement

indicating that such utility may be present. It is believed that such as modification is not only ethically proper but complies with the requirements of the Statute and the Rules. Entry of such amendment rather than striking the mention of this utility is respectfully requested.

Applicants respectfully traverse the rejection of Claims 18 and 19 as being incomplete. Claims 18 and 19 are not method claims; they are composition claims. They are not claims which recite components on the basis of their effectiveness for a particular purpose. For this reason, it is not seen why, given the fact that Applicants consider the active component of the composition to be new, Applicants should be required to qualify the utility of the composition. It is Applicants view that a claim which is recited in the terms of a mixture of a and b is entirely proper and complete under 35 U.S.C. 112. Therefore, Applicants see no reason why Claims 18 and 19 should not be allowed in their present form provided of course that the requirements of 35 U.S.C. 102 and 103 are met; a question which will be discussed further hereinbelow.

Applicants appreciate the chemical problem pointed out by the Examiner and have therefore amended the definition of C' and C'' in the manner shown.

Claims 16 and 17 have been cancelled in view of the citation of In re Durden, et al.

Applicants respectfully traverse the rejection of Claims 1 thru 15 over the Sarantakis patents, '904 and '394 cited. As will be seen in the discussion of the prior art attached hereto, Applicants have become aware of the '904 patent. It is however Applicants position that in the field of hormonal activity, while a nonapeptide may well have certain physiological activity, there is nothing in the art which would predict that an octapeptide of related structure would have similar activity to such a nonapeptide.

Applicants are unable to find anything in the disclosure of the patents which would substantiate the Examiner's allegation that it would be "obvious to delete X_1" (from the '904 patent). If Sarantakis indicates that addition to the nonapeptide chain would not be inimical to the activity claimed, this is clearly not the same thing as suggesting (which he has not done) that deletion of one

peptide unit would not negatively affect the activity that he alleges.

It should be noted that '394 is directed to dodecapeptides, which are even further removed from applicants compounds than those of '904. In this area of peptides having finely tuned physiological functions, prediction of activity is an rather tenuous matter. For example it should be noted that oxytocin and vasopression differ by only 2 amino acids (2 changes) yet the physiological functions are quite different.

It is further pointed out that changes in but one amino acid can cause substantial differences in LH-RH activity. In the specification applicants list the activity of 20 compounds of which 12 are "Y = valine" compounds. Certain of these compounds are 100-500 times more active than the '904 compounds and 2-3 times more active than the analogs of Bauer

In any event, it is Applicants view that the groups that Sarantakis mentions that may be added to the structure are purely protecting groups. Hence, it is submitted that the Sarantakis patents are not available as regerences against the present application as amended, and that they should therefore be withdrawn as bases for rejection.

As will be seen from the accompanying discussion of the prior art, Applicants have become aware of two additional Bauer patents, 4,439,403 and 4,435,385, which also disclose certain complex peptides. The teaching of these patents will be considered in the same light as the teaching of the '543 patent cited by the Examiner.

Certain of the specific moieties disclosed in specification of these patents, when taken together, read on some of the compounds originally claimed in the present application, in particular, those wherein the Group Y is threonine. Applicants have therefore cancelled threonine as a moiety from their claimed compounds. The value of Y as valine is not specifically disclosed in the Bauer patents. It is Applicants' position that the broad generic language of the Bauer definition of his Group E, which is substantially equivalent to Applicants' moiety Y, is so broad as to be, in the context of a physiologically active material, totally meaningless, hence, not citable against Applicants.

As shown in Table 2 and parts of Tables 3 and 4, a large number of compounds wherein the Group Y is valine has been prepared by Applicants. It will be noted that the application contains, at Table C a showing of GH inhibition of 12 valine compounds and at Table 5, a showing of the gastric inhibitory activity of one particular valine compound.

In view of the foregoing, allowance of the claims as amended is respectfully solicited.

Respectfully submitted,

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